In the High Court of Judicature at Madras

Dated: 16.11.2006

Coram:

The Honourable Mr.Justice M.E.N.PATRUDU

Writ Petition No.16465 of 2006
and WPMP.No.15946 of 2006

T.Rizwana ..Petitioner

..vs..

1. Bharathiar University,
   represented by its Registrar,
   Marudamalai Road,
   Coimbatore-641 046.

2. The Vellalar College for Women
   represented by its Principal,
   Coimbatore Road, Thindal (PO),
   Erode District-638 009. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in its Proceedings B3/12949-2 dated 2.5.2006 and quash the same as illegal, incompetent and without jurisdiction and further direct the 1st respondent to issue degree certificate to the petitioner with respect to B.Sc., (Chemistry).

For Petitioner : Mr.V.Raghavachari
For Respondents : No appearance

ORDER

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The petitioner originally joined the MSS Wakf Board College, Madurai in B.Sc.,(Chemistry) in June, 2002. The said College is affiliated to Madurai Kamaraj University. Thereafter, the petitioner sought for transfer to Vellalar College for Women, Erode, to continue her studies from II Semester. It is the specific case of the petitioner that she has completed her first semester at Madurai under Madurai Kamaraj University. When she wanted to pursue her studies at Erode, sanction was granted by the Department of Collegiate Education and she was admitted on 06.01.2003 at the College in Erode and she

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had completed her course in June, 2005 and legitimately expecting the degree certificate. While so, on 25.08.2005, it was communicated to the University about her degree certificate and on 01.09.2005, the College also issued a Certificate affirming that semester papers offered by the Madurai Kamaraj University and the Bharathiyar University are one and the same.

2. The case of the petitioner is that while studying in Madurai Kamaraj University, she has taken Urdu as second language and the said subject is not offered at Bharathiyar University. Therefore, she was constrained to take Tamil as the language paper and before joining II Semester, exemption was sought for from appearing in the papers and the same was granted by the Bharathiyar University.

3. It is stated that the letter dated 17.11.2005 of the 1st respondent affirmed the grant of exemption for subjects studied during I Semester of B.Sc., (Chemistry) conducted by Madurai Kamaraj University and it is further stated that she has to appear in other subjects including Foundation Course (A & B) approved by the Bharathiar University syllabus. While so, on 02.05.2006, the 1st respondent addressed a letter to the 2nd respondent, wherein it is stated that the petitioner, who was transferred from Madurai Kamaraj University to the 2nd respondent College, may be asked to appear Tamil paper I under Part I language in the I Semester of Bharathiyar University syllabus so as to issue a degree certificate for the award B.Sc., degree course.

4. Feeling aggrieved by this communication, the petitioner is before this Court by way of writ petition with a prayer to direct the 1st respondent University to issue B.Sc., degree certificate.

5. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioner. The respondents did not file any counter and there is no representation on behalf of the respondents.

6. The attention of the Court is drawn to the proceedings of the Bharathiyar University in B3/12949/2005 dated 17.11.2005. For a better understanding, the letter is reproduced as it is.

"No.B3/12949/2005 Dated 17.11.2005

From
The Registrar i/c
Bharathiar University
Coimbatore-641 046.

To
The Principal
Vellalar College for Women
Thindal Post
Erode-638 009.

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Sir,

Sub: Transfer of candidate – T.Rizwana I – Madurai Kamarau Uni. To Bharathiar University (VellalarCollege for Women) - B.Sc.Chemistry – Exemption – reg.

Ref: 1) This office letter No.B3/ 19314/ 2002 dated 30.12.2002.

2) Your letter No.V627/2005, dated 21.9.2005.

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With reference to the above, I am to inform you that the candidate T.Rizwana who has been transferred from Madurai Kamaraj University to Bharathiar University (Vellalar College for Women, Erode) to join II semester of B.Sc.Chemistry degree course during 2002-2003 is granted exemption for the subjects studied during I semester of B.Sc.Chemistry degree course under Madurai Kamaraj University.

The details of papers exemption as prescribed in Bharathiar University syllabus are given in the annexure enclosed.

Further she shall appear for all other subjects including Foundation Course (A & B) prescribed in Bharathiar University syllabus to qualify for the award of degree (B.Sc., Chemistry).

Yours faithfully,
(sd) xxx
Registrar

Encl: as above.

Copy to: 1) The Controller of Examinations, Bharathiar University, CBE-46.

2) T.Rizwana (candidate)
D/o.SMA Tajudeen, BA BL
A1, Kasipalayam Phase III Govt.Quarters,
Housing Unit, Erode".

7. Perusal of the letter discloses that the Registrar of Bharathiar University addressed to the Principal of the 2nd respondent with regard to the transfer of the petitioner from the Madurai Kamaraj University to Bharathiyar University (Vellalar College for Women, Erode) to join II semester of B.Sc., Chemistry degree course

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during 2002-2003 and the contents of the letter clarify that the Bharathiyar University has granted exemption for the subjects studied during I semester of B.Sc.Chemistry degree course under Madurai Kamaraj University. Further the contents disclose that the petitioner shall appear for all other subjects including Foundation Course (A & B) prescribed in Bharathiar University syllabus to qualify for the award of degree (B.Sc., Chemistry).

8. Now, it is stated that the petitioner, as directed in the above letter, appeared for all other subjects including Foundation Course and she has qualified herself and she is entitled to get a degree. But in view of the impugned letter, she is not able to get the degree certificate.

9. In the above circumstances, the writ petition is allowed and the impugned letter issued by the 1st respondent is quashed and the 1st respondent is directed to issue the Provisional Certificate and the Degree Certificate to the petitioner within 30 days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gl

To

1. The Registrar,
   Bharathiar University,
   Marudamalai Road,
   Coimbatore-641 046.

2. The Principal,
   The Vellalar College for Women
   Coimbatore Road, Thindal (PO),
   Erode District-638 009.

+1cc to V.Raghavachari,Advocate Sr 55530

AKM (CO)
km/25.11.

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